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ABSTRACT

Structural reforms in New Zealand attempted to remove teacher unions from any policy role, and these reforms sought to remove the unions from any involvement in education policy. Ten years later, in spite of a highly charged media campaign and the active anti-unionism of the industrial legislation, teachers still have an important voice in education through their union. The unions accomplished a difficult strategy moving between various definitions of being a union and a profession, between accommodation and resistance, and between militancy and compliance. This paper focuses on the teacher unions active in the state schools sector--the New Zealand Education Institute and the Post Primary Teachers Association. Various state policy initiatives, such as the push for a professional body, the New Zealand Teacher Registration Board, and the search for a teaching code of ethics, pointed up the continuing reliance of the State on teacher involvement. This paper reports Phase One of the historical development of the unions' positions, discusses some of the interview data, and suggests the possible future conflicts that the education unions may face in their dealings with the new government. (Contains 27 references.) (DFR)

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Paper for AERA Conference April 2000 New Orleans

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NEW ZEALAND TEACHER UNIONS: STILL HERE AFTER ALL THE REFORMS: Reporting Phase one of work in progress.

Joce Jesson and Gay Simpkin,[1]

Paper for AERA Conference April 2000 New Orleans

Abstract:

The structural reforms in New Zealand were a direct attempt to remove the unions from any policy role in the state. The educational reforms sought to remove the teacher unions from any involvement in education policy. Now ten years on, in spite of a highly charged media campaign and the active anti-unionism of the industrial legislation - the Employment Contracts Act, teachers, after years of resistance, still have an important voice in education through their union. The unions accomplished a difficult strategy moving between various definitions of being a union and a profession, between accommodation and resistance, and between militancy and compliance. This research focuses on the teacher unions active in the state schools sector – the NZEI New Zealand Education Institute and the PPTA Post Primary Teachers Association. Various state policy initiatives such as the push for a professional body, the New Zealand Teacher Registration Board, seeking a teaching code of ethics, pointed up the continuing reliance of the State on the involvement of teachers. This revealed the political possibility that teacher unions still hold structurally. The election at the end of 1999 returned a centre- left Labour –Alliance government which publicly supports teachers.

This paper reports Phase One of the historical development of the unions' positions, discusses some of the interview data, and goes on to suggest the possible conflicts that the education unions may face in their dealings with the new government in the future.

Introduction

The Teacher Unions' Positioning Project[2] is a collaboration between two different academic disciplines: labour studies and education policy studies. The project seeks to examine changes to the structural position of the teacher unions and the nature of teachers' work against changing state policy contexts.

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Critical comment will be appreciated to j.jesson@ace.ac.nz or g.simpkin@auckland.ac.nz. Very special thanks go to all of the informants whose views we have sought. This analysis and the use we make of their words is ours not theirs.

[2] Teacher Unions Positioning Project, [funded through Auckland College of Education Research Committee, 1999-2000]

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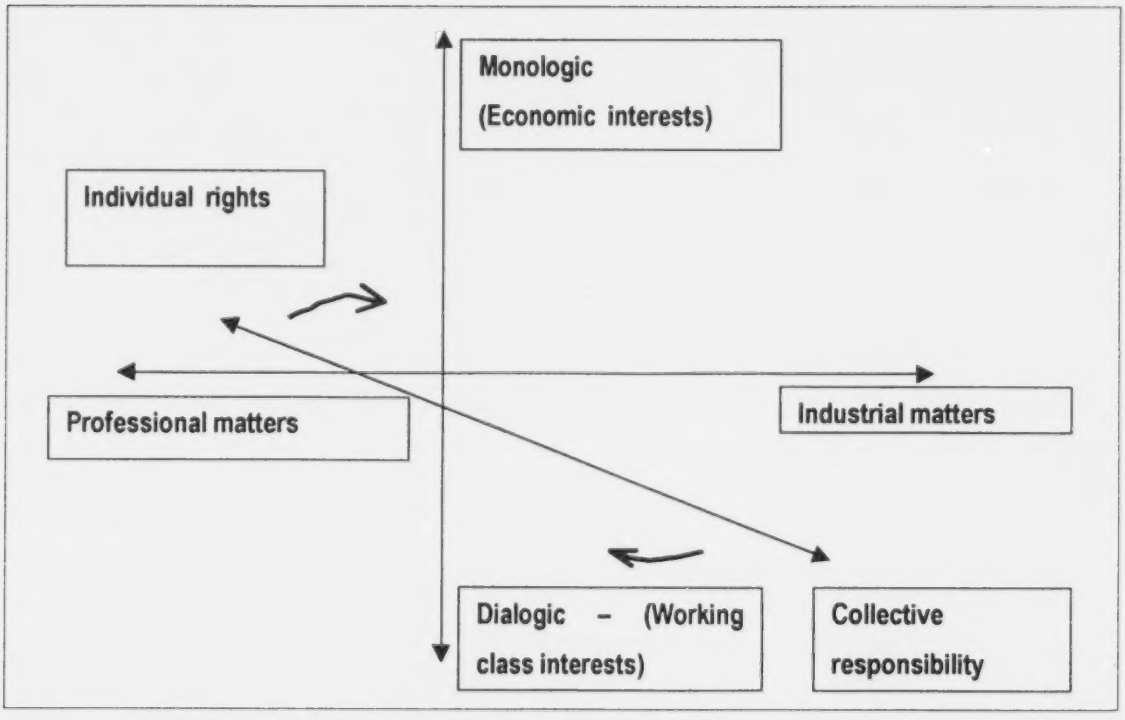
The project uses the critical theorist Claus Offe's model of unionism, rational opportunism, - as the illuminating explanatory framework (Offe, 1985).

In considering unions, Offe makes a distinction between the interests of capital and labour. Both share, (albeit from opposing sides), in the directly economic or 'monologic' interests of the wage relation. However, the interests of labour, usually expressed as the concern of unions, extends past these immediate monologic concerns to encompass much wider political matters concerned with broader working class democratic interests. Offe designates these concerns the 'dialogic interests'. The union has to find a way between immediate economic monologic needs and the broader working class dialogic interests; between the industrial pressures and the professional occupational demands; between demands from individual members' and the collective responsibility to all members (refer Fig. 1). In applying this model to teacher unions we extend Offe's 'dialogic' to the state provision of high quality accessible education as a citizenship right. Teacher unions see this as both a professional issue and union matter. The process of 'rational opportunism' describes how the leadership has to strategically navigate between these various conflicting tensions at particular political conjunctures (Jesson, 1999).

Fig. 1 The Contradictory Tensions of A Teacher Union: Solved Through Rational Opportunism



The Unions' Positioning Project

The project is divided into three phases:

•Phase one investigates our conjecture that acceptance of the professional standards signified a change in union strategy.

•Phase two will be investigating the changing government-union relationship in a new political environment.

Before 1988 with the old Department of Education, the PPTA had been attributed status in three different arenas: Pay fixing, Professional conditions and Curriculum. With the reforms, only the arena of pay-matters was available to the unions through its role as bargaining agent . Entry to the other arenas had been cut off by declaring teacher unions, and by extension, teachers, a vested interest.

A fourth arena in which the teacher unions operate is of a different level of analysis. This is the public arena, or public sphere, into which organised teachers move as a political body when necessary. The public sphere requires more overtly political relationships and relies on seeking democratic support in order to meet required ends. This is achieved by creating pressure on Parliament through the politicians.

This arena's model then gives four possible sites of opportunity through which the teacher unions may be able to achieve their goals. (refer Jesson, 1995)

Phase three involves a parallel investigation of the school-union relationship as it evolves in this new environment.

PHASE ONE: Investigating the Professional Standards

The Methodology of Phase one.

The *Teachers Employment Contracts* and various policy documents of the Ministry of Education's Professional Management System (Education 1997; Education 1998; Education 1998; Education 1998; Education 1999; Education 1999; Education 1999) were analysed for the desired managerial outcomes for education suggested at the beginning of the reforms (Rogers, S. 1986, Lange 1988). This analysis was then subjected to a series of interviews with union officials and significant members of the national education agencies: Ministry of Education and the Education Review Office. Informants were selected because they were significant players in either the debate itself, the contract negotiations or the implementation process. As these informants are actively engaged in a political process their perceptions become a political truth, albeit one that is filtered through our eyes. They were interviewed during the latter part of 1999 using a semi-structured interview schedule . While the interviews were edited to translate them from an oral record to a written one, where quoted we have tried to keep with the informant's words and style. The resulting narrative is then set in a socio-political context .

We theorise that, in spite of over ten years of hardline resistance by teachers, by 1999 many of the personnel provisions as set out in *Tomorrow's Schools* (Lange 1988) have been achieved. We further postulate that the process by which this happened has implications for the future roles and functions of the teacher unions. The Professional Standards documents are signifiers of union moves from hard-line resistance towards some strategic accommodation.

The acceptance of government imposed professional standards for teachers, by the teacher unions, was an acceptance of the vilified performance pay. This finally occurred during the collective employment contract (CEC) negotiations - in 1997 for Primary Teachers and 1999 for Secondary Teachers. (Education 1998; Education 1999; Education 1999).

The Ministry of Education's statement following these negotiations, was that these government set Professional Standards:

> "describe the important knowledge, skills and attitudes that all principals, deputy/assistant principals and teachers are expected to demonstrate. Professional standards form part of performance management systems in schools." (Education, 1998b p.1)

The Professional Standards are thus the criterion of performance for pay progression for which teachers are contractually bound. The professional standards are arranged in increasing levels and describe the work of a Beginning Teacher, (BT), Classroom Teacher, (a Fully Registered Teacher or CT), and Experienced Teacher (ET). At the same time there are additional units for various responsibilities or management levels, (RU or MUs) built into the pay structure. The performance pay criteria are required to be implemented by the Boards of Trustees from the beginning of 2000 (Education 1999 p. 3).

BACKGROUND: New Zealand Unions under the Employment Contracts Act (ECA).

Between 1981 and 1993 New Zealand underwent an enormous transformation. The changes were directed simultaneously at money, labour and the State. New Zealand's wage-earners welfare state (refer Castles, 1986), was reduced to a safety net model, creating a dual labour market and a largely deregulated society. The unions were major targets in this deregulation. To a large extent education parallels the general pattern of changes across the state sector. Yet in other ways, as we show below, there are important differences particularly in relation to the possibility of union resistance.

The transformation from an arbitrated labour system to a 'free' or flexible labour market occurred in two stages (Walsh 1991; Walsh 1992). Begun in 1987, it was followed in 1991 with the declaration of a flexible labour market in the Employment Contracts Act (the ECA). Any direct role that the state had in the labour market was removed, with labour contracted between worker and employer.

Under the ECA, the unions lost any political role that they might have had previously through the benefits of compulsory unionism and the state arbitration system. Union membership was now voluntary. In consequence, by 1999, unions struggled to maintain their membership in a political climate surrounded by freeloaders. The mainly middle-class unions survived - however most manual working-class occupations became de-unionised. Union membership is no less than 15% of the working population. The surviving unions concentrate on servicing, (Boxall 1997) often at the expense of their broader political or dialogical roles. The teacher unions are now the largest occupational grouping of unionised workers (Crawford, 1998 p. 5) and will provide the resources to rebuild the union movement.

The Teacher Unions – union, but different

New Zealand has two main teacher unions, the PPTA represents state secondary teachers, and the , NZEI, represents primary, early childhood teachers and most of the paraprofessionals. In contrast with the past, the reforms removed them from any formal policy role. Those ideologically opposed to the teacher unions argued that for the reforms to work properly, the teacher unions should have no special status at all and even sought to restrict their industrial role (Robertson 1999).

However, in contrast to other unions under the ECA and in spite of the education reforms, the teacher unions remained important peak organisations. Their membership are the professionals of the system. They have been relatively successful in resisting the full imposition of managerialism on the organisation of teaching, mainly we argue, because of their ability to move into the public arena as a political group. To understand just how far they have moved, and to consider where they will go next, it is necessary to briefly revisit the restructuring of the State labour market.

The Buff Report and The State Sector Act: Restructuring the State unions.

The changes to state labour were promulgated in 1988 through the State Sector Act (SSA). This set up all state organisations as private enterprise models. Accountability for the state functions moved from the political system -politicians- to the Chief Executive Officer (CEO) of each (departmental) enterprise. The delivery of government services was thus premised on the separation of management from workers and the promotion of enterprise productivity agreements and performance pay. The annual increments, career steps, and grading of the traditional public sector were replaced with ranges of pay rates. Placement and movement were decided by the individual's manager against some form of enterprise determined performance criteria (p. 53). The aim was to create an open labour market in which "all wage adjustments and personnel relations in the State would be through enterprise negotiation" (p24). . This organisational model called New Public Management or NPM (Boston, Martin et al. 1991) was set out in the government discussion paper Pay-fixing in the State Sector, (Rogers 1986), also known as the 'Buff Report' . These changes would enable the CEO (including school principals):

> "to compete effectively for the staff they need in order to achieve their objectives, to reflect differences in market conditions, individual performance, skill and experience and organisational requirements. (p53).

As far as the teacher unions were concerned, such ideas were thinly disguised attempts at State control of their profession. The SSA, and Tomorrows' Schools occurring at the same time signalled direct funding and control by school Boards, pay restriction through performance pay and performance contracts for senior teachers. Teachers' employment would thus be subject to a variety of local interpretations; there would be competition for staff between schools and an individualist rather than a collectivist view of teachers' work. It was believed that such proposals undermined the teachers' ideals of a national education system with autonomous professionals and threatened "quality education" (PPTA 1986 p.8) It is this idealism that provides teachers with the ideological position we call *naïve professionalism*, but which provided the capacity for resistance. (For a more detailed description of teachers' concepts of professionalism see Sullivan, 1999).

The Munro Report (Munro 1989), commissioned for the PPTA, marked the first stage of the unions' political campaign to oppose performance pay and the managerialist accountability in education. In spite of this, Tomorrow's Schools. devolved responsibility for teachers' employment to the individual school Boards of Trustees. The State Services Commission (SSC) was given the human resources (HR) role for the various Boards of Trustees. They negotiated the employment contracts and gave out some HR advice. (see Dale & Jesson, 1993). However, the full managerialist model assumed the devolution of all the funding and decision-making to the individual school Boards of Trustees. A natural limit on salaries could come with competency-linked performance pay (refer Lough, 1990). The rubric was 'self-managing schools'. The teachers' resistance was however aided by the SSC's lack of understanding of the intertwining of the industrial and professional culture of teachers. Their adherence to managerial accountability through performance pay interfered with their effectiveness as educational HR advisors (Walsh 1992).

Paradoxically, the education sector unions' very public resistance under the ECA had also limited the government's options. Employment contracts had to be negotiated not imposed. This resistance had a negative political consequence for the government and so hindered the completion of their reform agenda. As Butterworth and Butterworth (1998) put it:

> 'the government had faced lengthy and debilitating salary negotiation... ... a rejection of bulk-funding, the retention of national employment contracts and the central determination of staffing schedules.." (Butterworth, & Butterworth 1998 p.229).

In 1996 Wyatt Creech replaced Lockwood Smith, who had been Minister of Education throughout most of the education reform period . At the same time a new Secretary of Education was appointed – Howard Fancy. Fancy subsequently established a human resources section - Schools Labor Market Policy Unit (LMPU) in the Ministry of Education, taking over the functions of the SSC.

The LMPU continued to seek ways to implement this managerialist model in schools, in particular bulk-funding of salaries and performance pay. However, because the Ministry of Education's particular role is as a policy advice unit rather than an implementation arm, managerialism in schools had to occur indirectly - in this case through the employment contracts. The importance of education as part of the legitimising contract that the State has with the polity was somewhat overlooked. Education's democratic importance gives it a special character, and a structural position that gives potential power to the teacher unions.

Performance Pay or Professional Standards- the teacher unions' perspectives

From the outset of the reforms the teacher unions tried to protect professional autonomy. Both unions opposed the introduction of performance pay and the introduction of individual employment contracts for the senior management.

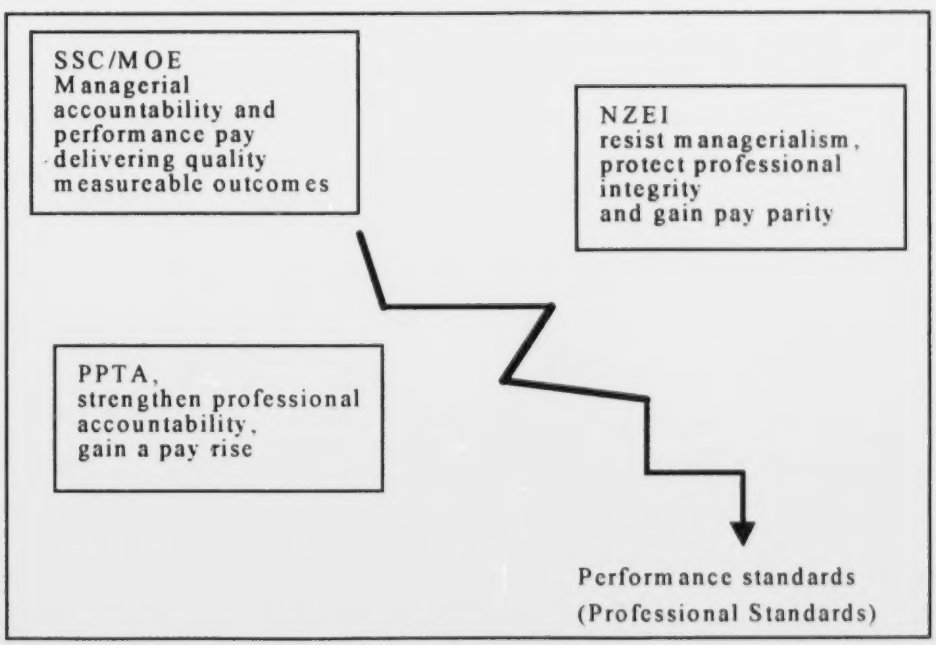
At first sight it would appear that both unions have been engaged in same battle for the last ten years. This is, fighting for pay increases while resisting the introduction of managerialist reform. Yet, because of their different histories, each has been fighting a different battle within the same overall war. The war of resistance to managerialism has also incorporated arguing for pay increases within the hostile ECA environment. However, the different battles of each union usually had unintended consequences on the other, ending in the final outcome of performance pay and managerialism in schools. Overall, the Ministry of Education has played a clever role in this process. There are thus three perspectives on the overall events and outcomes, that of the SSC, Ministry of Education, and the PPTA and NZEI. (refer Fig. 1 below)

The SSC/Ministry of Education, working within the human capital perspective of the HRM literature, sought the introduction of performance pay for public sector accountabilities through measurable competencies. Their definition of competence was that used in the HR literature - performance criteria. (Refer to discussion above.) As a Ministry of Education official involved explained it to us:

> "The government sought a link between pay and performance and shifting {education} from an entitlement culture to a reward culture" (interview 22/9/99).

The reasonably broad statements defining the dimensions of a satisfactory teacher that had been established by the Teacher Registration Board with teacher input were narrowed into the competencies. These were constructed into a ladder of:

Fig. 1. The Path to Performance Standards


SSC/MOE
Managerial accountability and performance pay delivering quality measureable outcomes
NZEI
resist managerialism, protect professional integrity and gain pay parity
PPTA,
strengthen professional accountability, gain a pay rise
Performance standards
(Professional Standards)

increasing skill levels reflecting in their language the categories of the old primary grading divisions. Beginning teacher was the first level, fully registered (classroom)[1] teachers the next, experienced teachers a third level. Each of the skill levels was thus assessed, or appraised as it is now called. Appraisal is required to happen at least annually so that movement up the pay scale is thus determined at the school level. This system is necessary for the final goal of salaries bulk funding.

From the PPTA perspective, all the contract rounds since 1986 were about the protection of professional accountability. At the same time they were under great pressure to retain vestiges of the older classification system, which they saw as indicating their ideal of professional accountability (PPTA official interview). The PPTA perceived continuity between the secondary teachers classification system[2] - originally developed in 1977 - and the new 'professional' performance standards. They see themselves as having maintained an integrity of purpose relating to professional accountability through battles against performance pay, and through the introduction of the Unified Pay System with the compromises NZEI had to make made in order to achieve this.

For NZEI, their strategy in the employment contract negotiations was to resist the worst excesses of managerialism and also to progress their long term aim of pay parity. The road to pay parity therefore required some compromises with managerialism, particularly in the area of attestation and professional standards.

The perceptions of the compromises made by the teacher unions relate to two different historical positions. NZEI's approach was to approach any compromises from the perspective of causing the

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[1] The level of fully registered teacher is designated classroom teacher in the Professional standards for secondary teachers.

[2] Prior to Tomorrow's Schools, secondary teachers used to be "classified" and placed in one of two lists. A secondary teacher in List A had completed a course of training at a Teachers' College and had satisfied the Director-General that he (sic) was a fit and suitable person for provisional appointment to a teaching position in a secondary school. A teacher in List B had completed at least 2 years as a teacher in List A and satisfied the Director-General that he (sic) met the criteria set out in the Schedule to the Education (Classification, and Appointment) Regulations 1976. These criteria to all intents and purposes are similar to those which were subsequently included in Appendix G of the Secondary Teachers Collective Employment Contract.

least possible damage to their professional integrity. NZEI sees the cause of the external pressure for them to accept professional standards as the introduction of Appendix G[1] by the PPTA. NZEI saw this as a precursor to the *Professional Standards*.. In their view this was in effect the PPTA agreeing to performance pay. While the PPTA saw Appendix G as maintaining their professional integrity, and focuses their concerns on the way that they were demonised as the 'industrial battering ram' for both unions.

Thus, each union while steering their separate path through each contract round, has to live with the consequences of the "other's" maintenance of position. The common ground has been their opposition to managerialism. However, it would appear that establishing common ground much beyond this is not yet possible. There is a great deal of historical culture baggage that each union carries to be dialogued through first.

The Unions' historical baggage of accountability

Prior to the SSA, primary teachers' were employees of the regional Boards of Education. Promotion, pay progression and increments involved a series of formal inspections and a complex system of various coloured divisions of reports, or gradings. Inspectorial grading also served to provide a complex set of pay constraints that were set nationally, restricting the number of promotion positions available nationally and regionally each year. If teachers were not performing up to an accepted level, NZEI, the Education Boards, and the Inspectors together dealt withthe matter in terms of the disciplinary offences of section 157 of the Education Act. (Department of Education Administration Manual C11 Disciplinary Provisions and Termination of Engagement A/L 20 – Oct. 77) Sometimes teachers were moved on, sometimes they were demoted, and occasionally they were dismissed. The most important person in this process was generally the principal. As an example, in the regulations showed, the principal was the person designated as having authority to give lawful orders and instruction. (C11.2.8)

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[1] Appendix G -criteria for competence .in Secondary Teachers Contract

However, secondary teachers were different. Secondary teachers were employed by the separate Boards of Governors. There was a separation established between discipline and competency. Secondary teachers' discipline procedures were covered by a particular set of regulations, The Secondary and Technical Institute Teachers Disciplinary Regulations 1969. These created the quasi-legal environment to deal with breaches of Section 157 of the 1964 Education Act. Allegations of misconduct, i.e. discipline, were heard before the Teachers' Disciplinary Board. While teachers were entitled to defend themselves, with union support, if they were unsuccessful, their classification removed from them. i.e. they could never practise as a teacher again. Secondary teachers were thus aware of the idea that there were standards to which they must measure up or they would be publicly removed from the profession.

The PPTA position: Competence was not misconduct

Secondary Teachers' competence, in contrast to discipline, was a separate administrative matter under the Assessment, Classification and Appointments Regulations. These regulations established a minimum standard for teacher competence. The accepted understanding was that almost all teachers would practice at a standard higher than minimum competence, but that if a teacher fell below this standard, their classification should be cancelled. In the PPTA's view then, the accountability introduced by the public sector reforms meant the removal of this concept of professionalism and so they resisted any direct link between performance and pay. Competence, as such, did not involve levels of performance. A teacher was either competent or they were not. If the teacher was judged not competent, then procedures would be invoked to remove the teacher from the profession.

The PPTA view was that they had established a clear link between the early classification system and the professional standards they negotiated. They trace a clear line back through the different contracts rounds from the classification system, first through the inclusion of the criteria from the old classification system into Appendix G, then accepting the insistence of the Ministry of Education on the inclusion of professional standards in the Contract was necessary to achieve settlement of the current CEC.

> ..our focus has been on professionalism and competence...and we had seen as an evil, the links between performance and pay. The compromise between these positions..was the one that we came up with. If there is a rule, [about competence] that is one that is

> capable of being done in a reasonably professional way, using professional judgments against criteria that are understood in the broader sense of the profession. We have never been shy of saying if (teachers) don't measure up then they ought not to be there. If the wider process was clear and fair, we accept that . But we don't expect people to do the impossible That has been a long standing PPTA position. And so we found a degree of comfort in seeing that. (Gen. Sec. Interview 8/9/99)

Therefore for the PPTA, accountability (i.e. the retention of disciplinary provisions and the inclusion of criteria of minimum competence), had been the big issue in the codification of regulations in 1988/89. This continued into the first award negotiations after *'Tomorrow's Schools'*. By the employment contract round of 1994/5, however, the Minister of Education, Lockwood Smith, had made teacher registration voluntary. The PPTA secured the inclusion of the classification criteria, including separate criteria for teachers with management responsibilities, as an appendix to the CEC. This seen as a significant victory for the PPTA, so that the standard of minimum competency and the competency procedures formed part of the CEC (Appendix G) in spite of voluntary registration.

In 1996, the issue of paying some teachers more because they were better or needed emerged once again. PPTA continued to argue that with Appendix G every teacher is a better teacher because if they weren't competency procedures should have been commenced .

As the PPTA General-Secretary describes it:

> We converted that [the issue of paying some better teachers more} into everyone is a better teacher so we gave life to Appendix G. It was a means of certifying the worthiness of teachers for the purposes of pay increments. ...That was our idea (though) ..it might seem odd.

For the PPTA, attestation against the classification criteria retained their professional integrity, whereas paying some teachers more on the basis of some ill defined performance or subject advantage did not.

NZEI's model of attestation in their round was not seen as useful for the secondary sector's purpose because while " [primary's] standard was attestation by the principal that the teacher was satisfactory, there was no actual basis of the term 'satisfactory' (PPTA General Secretary interview 9/9/99). The PPTA felt that the introduction of criteria such as they had in Appendix G was a protection against

unreasonable managerial prerogative on the part of principals or Boards, and it also maintained standards.

In 1997, in order to achieve some parity with secondary teachers, the NZEI had agreed to some professional standards (called interim), that differentiated between beginning, classroom and experienced classroom teachers. These same standards were then presented to the PPTA in their 1998 negotiations. This presented a difficulty for the PPTA. Although they did not have a problem with standards per se, they saw the introduction of the categories as detracting from their 'purer' professional notion - if the criteria (standards) were met, a teacher is competent to be a teacher. They therefore stood firm and debated the ground on professional issues for the bulk of the contract negotiations.

An Advisory Officer in the PPTA puts it thus:

> We had to start from the template already agreed in primary, and frankly, the primary interim professional standards are very seriously flawed in a number of ways.... there were two principal elements we ended up having to live with. One was that they were called professional standards and ... The second was that they had to be in three columns...that's a false paradigm. ....We went through ages... trying to create something that looked like it was three fold but wasn't, but we didn't get away with {it} (Interview 9/9/99).

One reason for the PPTA's implacable opposition to three categories of teacher was that it provided the potential criteria for pay rationing, which as it happens, was one of the functions of the old grading system. As the PPTA Advisory Officer explains:

> ....having clearly gradated criteria for judging teachers' pay progression allows you some time, perhaps in the future, to ...ration access to....pay. Because it makes very little sense otherwise. (Interview 9/9/99)

The three categories of teacher required a concept of differentiated teachers - an hierarchy of teachers. The PPTA Advisory Officer continues:

> ...the second major flaw ...of the primary model....was the concept of accumulation horizontally - that is that each column in the primary model begins with a statement like "that the person in this column is expected to display all of the standards of the previous column and these ones". Now, that's flawed in a sense for two reasons - one of them

> philosophical which is that...progress in a profession doesn't really work cumulatively like that and...we expect that initial hurdle to be so high that it might well be that it's high enough anyhow.
>
> But secondly, (and pragmatically) ...We'd have said the experienced teacher probably doesn't need to keep reflecting continually and that the person who should be doing so with a view to improvement would be the beginning teacher.

> ...if these are criteria as applied as standards, there is no need for more than one column because that standard setting business...takes place in the context of the individual teacher. {So that means} you could had a set of very [straight forward criteria] that would apply to everybody ... We have already got that - it's called Appendix G....the problem politically was that Appendix G looks too simple, and does not fit the managerial model.

The 1996 change of Ministers of Education cleared the way for the unions and the Government to begin to compromise. The PPTA eventually came up with an approach which they felt preserved the integrity of their classification criteria. They had always identified beginning teachers – (List A: the first 2 years) as those needing special attention. They managed to convince the other side in the negotiations that the experienced teacher criteria applied only to those at the top of the basic salary scale. For the PPTA, the new Professional Standards were thus the old classification criteria recast. The differentiated categories of teacher were contained within a framework which, to all intents and purposes, corresponds to List A and List B criteria, although another set of criteria were tacked on for those at the top of the base salary scale. They believe that no great harm to the idea of the profession has been done.

> Essentially [there is] no change to current good practice. The 1996 contract ... clearly established pay progression by attestation against Appendix G and the ways that teachers progress up the scale have not changed actually.
>
> What we have done in part two is to sort of recreate a stage one of competence which is triggered by the failure to attest. (PPTA AO, interview 9/9/99)

The NZEI : Pay parity was pay justice.

The NZEI's major concern over these same years has been to secure pay parity for primary teachers with secondary teachers, (renamed the Unified Pay System by Government). At the same time NZEI resisted the worst excesses of managerialism in schools.

> I believe that the unified pay system has probably been one of the most significant changes in the whole education scene for decades. It's more, it's not just a pay issue It's a mind shift. It's a mind shift which essentially says that primary teachers and secondary teachers, if I can use the mathematical language, their jobs and their importance are equivalent. (NZEI executive member interview 8/9/99)

The NZEI position provides a much clearer separation of professional imperatives from the more pragmatic industrial approach..

An NZEI executive member sees the 1997 negotiations and professional standards in this way:

> It was a way that (the government) saw making the teaching profession accountable. If the NZEI had its way, the professional standards would not be part of the employment contract. It places the Institute in almost a schizophrenic state of contradiction.....We had a real debate around our executive table about this. It essentially came down to our professional goals versus our industrial goals....if you are pursuing the industrial goals, ..you say we want the lowest minimum standard of professional standards possible so we can get everybody passed and they can get the pay and so on and everyone understood that. On the other hand, if you set true professional goals then you want truly worthy professional goals, not minimum standards. (interview 8/9/99)

TheNZEI's compromises industrially can be seen on the one hand as the necessary price they had to pay for pay parity. On the other hand, these compromises were required because the NZEI believed the PPTA had already agreed to a link between performance and pay. Because of their different history of accountability there was no understanding of the PPTA's perception of Appendix G as a professional marker. Therefore, the most important difference between the NZEI and the PPTA for the purposes of this paper, is their very different approach to accountability. We argue that this stems from the different histories and culture of the two unions with respect to discipline and competence see above.

An NZEI Exective Officer, when asked about the 1997 contract negotiations and the compromises that the NZEI had to consider in order to achieve pay parity says::

> They had a trump card in that primary teachers were being paid 12% less than secondary teachers. That was a hell of a lot of money. .The secondary teachers [had] agreed to

> Appendix G which was a form of professional standards linked to pay. You had to meet these at every increment before you could go up the scale. All primary teachers had competent performance.... we always insisted that the way you knew whether a teacher was competent or not was whether they were on competency. It was a high test and nobody had had an increment withheld. (interview 9/9/99)

NZEI prepared for these negotiations with a preliminary exercise in developing their own set of high level professional standards based on the old grading levels.

> The Ministry of Education sat down and said, "Well this is what we want from professional standards and they put them on the table. Our negotiators read them, looked at one another, and said, well don't lets get ours out because ours were much tougher. We were much harder on ourselves than the Ministry's standards would be. And so the standards we adopted were the ones that the Ministry had tabled with some minor modification.....This was a clear example of the professional versus the industrial contradiction that we are in. (Executive member interview 8/9/99)

The difficulties for the NZEI are that these compromises can only be understood in the context of how important pay parity was to them. The common pay scale between primary and secondary had been severed in the early 1970s and there has been much bitterness in the primary service since. The 1990s proved to be the time in which this issue could be pursued. Pay Parity was a matter of pay justice.

The NZEI puts that pursuit, and its ultimate success, down to several factors: the greater involvement of women in the union and the absolute commitment of members. We would also argue that the ECA allowed them break out from the fixed relativity arguments of the old system. Furthermore, the advent of the Pay Equity Act in the last months of the Labour Government in 1990 had allowed union officials practice with these pay equity arguments. However this demand from primary teachers did provide the government with an opportunity to develop some control mechanisms over teachers' salaries which could be decided at school level in the bulk-funded environment of a self-managing school.

The NZEI saw professional standards as the necessary price they had to pay for the achievement of pay parity. Helen Duncan, an ex-President of NZEI, now a Member of Parliament, graphically portrays the constant dilemma for both teacher unions:

> We wouldn't do anything in the bargaining that we thought was going to shaft another union in the sector, but in the final analysis the job we were doing was to get the best deal practical to all members, and both PPTA and NZEI did that. And we,..{in NZEI} looked at the professional standards, we looked at Appendix G, we thought there are already performance management systems in place in secondary schools just as they are in primary schools, and we can manage fair and reasonable professional standards. Secondary schools will be able to manage them as well. We knew that {the government} were going to pursue them across the sector but certainly they {the government} weren't going to settle our pay claim without it. (Helen Duncan interview 9/9/99))

An NZEI Executive Officer is more explicit about the pragmatic judgment made:

> We didn't like the standards they tabled but we didn't think they were a big deal. We believed that we needed time to consult and have a proper process to finalise the standards into a form that were reasonable or that was better. And so we made them 'interim' and got an agreement to change them during the term {of the contract}...
>
> Well I think that the price {we paid} is no more, no less than any other group of unionists have paid over the last nine years of the Employment Contracts Act and I think we really managed that price quite well. I think the ultimate result is that there has very little bad impact {on teaching} in terms of the professional standards (EO interview 9/9/99))

There is an awareness in the NZEI as to the effect that each union had on the other:

> this places us in a different position to the PPTA where the secondary people looked to one another and said, well we don't want to get into this. Well, we looked at one another and said, well we're already in it, let's just tidy it up and at least one way out of this is that we get some recognition for something we are already doing....and that is why, in principle, this issue has become an issue of some friction between the unions.
>
> The PPTA to some extent feel that they got lumbered with this because we accepted it in our contract. And there is some truth in that. (NZEI Executive Member 8/9/99)

Gaining professional standards

In summary, looking at the teacher contracts and the accountability issues sought by the public sector reform, the three different parties may portray the results in education differently.

The government could now say that significant progress has been made to putting senior managers on contracts and that there is now a link between teacher performance and pay, and the competency system. Much of the aim of the public sector reform envisaged by the Buff Report and Tomorrows Schools has been applied to education. What remains for the total implementation of self-managing schools was the final dispersal of the funding for teachers' salaries to the Boards of Trustees who have chosen to stay with centralised funding'. With that, the final goal of a market–driven system for education with the political separation of funding and delivery, will be in place.

The PPTA's position is that throughout the 1990s they managed to secure pay increases, some of them in excess of other unions, for the same period. At the same time they had maintained their professional autonomy claiming that the Government's approach of using professional standards to link performance and pay is, at best, tenuous. They have done this under the constraints of the ECA with a government who is the funder, acting as employer agent, and with the ability to legislate a desired outcome if necessary.

The NZEI has achieved pay parity with secondary teachers, the magnitude of pay increase being far in excess of any other union achievement in the same period. Their analysis of the alleged link between performance and pay is that it is still doing the least damage possible. At the same time the power of the principal rather than the Board of Trustees has been reinforced through the Professional Standards.

A national test for teachers, examined, sat and moderated at school level.

In terms of the professional standards themselves, there is no national system of standards for teachers as such. There is a national test of teachers performance, which is undertaken at the local level on a number of occasions. However, it is without any agreed standard of assessment or external moderation mechanisms. The structured system of the old primary coloured grading reports have

now been applied to all teachers. Ironically the grading system of the inspectors that the PPTA fought to remove in the 1970s as unsuitable for a profession, is now writ intensive but localised. The concept of a national profession is not really valid. The culture of the new system will however be rooted in teaching history.

Where are the unions at now?

New Zealand now has a change of government: one which already has moved legislatively to remove salaries bulk funding and to maintain the teachers' salary grants centrally. This has returned the power over the total distribution of teachers' salaries funding to the centre. There is already a hopeful environment that education that is focusing more on the future. However, that hope will not last beyond the end of the contract.

Both the PPTA and NZEI have already been attributed some level of status in education, in the curriculum arena and about professional conditions. Their role as political group continues, with their current primary focus on seeking support for the replacement of the hated ECA with a more union-friendly regime: the Employment Relations Bill.

However, each individual school continues to be a separate organisation. The principal, through the Board of Trustees, has the power to approve or withhold teachers' increments and so determines the professional climate and standing of these teachers. The policy environment that each school and it's Board of Trustees establishes for its performance management system will determine the culture of the teachers' work environment and the profession. Within the system as it stands there is scope for that to fit either a managerial or a professional form. In the managerial form what will be stressed is hierarchy and individual compliance to a surveillance model of appraisal. Innovation will quickly be extinguished in favour of tried and true methods. In a professional model what will be stressed is collegiality, commitment and ongoing development. Innovation then, may have some possibility of arising. And principals may again be seen as professional leaders, rather than CEOs.

The unions in this new environment will also face change. The PPTA, much more so than the NZEI has developed a culture of resistance to government. In the process, the PPTA has developed strong

anti-government cadres in the rank and file membership. Whether it can once again build the collaborative dialogic culture it had in the 1980's is an open question.

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